

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BALLARD NURSING CENTER, INC.,

Plaintiff,

v.

No. 08 C 260

ACCUBUILT, INC. and JOHN DOES 1-10,

Judge: Robert W. Gettleman

Defendant.

**NOTICE OF MOTION**

To: Daniel A. Edelman  
Julie Clark  
Edelman, Combs, Lattuner & Goodwin, LLC  
120 South LaSalle Street, 18th Floor  
Chicago, Illinois 60603

On February 5, 2008, at 9:15 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Robert W. Gettleman or any judge sitting in his stead, in the courtroom usually occupied by him in Room 1703, Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois and shall then and there present the attached Motion to Dismiss Counts II and III of Plaintiff's Complaint and Memorandum in Support of Defendant's Motion to Dismiss Counts II and III of Plaintiff's Complaint.

Dated: January 28, 2008

ACCUBUILT, INC.

By: s/ Thomas P. Cimino, Jr.  
One of Its Attorneys

Thomas P. Cimino, Jr.  
Brian W. Ledebuhr  
Vedder Price P.C.  
222 North LaSalle Street  
Suite 2600  
Chicago, Illinois 60601  
(312) 609-7500

**CERTIFICATE OF SERVICE**

The undersigned certifies that true and correct copies of the foregoing Notice of Motion and Motion to Dismiss Counts II and III of Plaintiff's Complaint and Memorandum in Support of Defendant's Motion to Dismiss Counts II and III of Plaintiff's Complaint were served on:

Daniel A. Edelman  
Julie Clark  
Edelman, Combs, Lattuner & Goodwin, LLC  
120 South LaSalle Street, 18th Floor  
Chicago, Illinois 60603

by electronic delivery on January 28, 2008.

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s/ Thomas P. Cimino, Jr.